

REMARKS

The Examiner is thanked for the phone interview of April 12, 2006. In the interview, the Dodson and Ma references were discussed. Particularly, that neither reference teaches the mouse of the present invention (a mouse with an integral top member that acts like a button). The Examiner encouraged the Applicant to provide further structural language. No agreement was reached.

The Examiner is respectfully requested to contact the undersigned when he has reviewed this response in order to clarify any outstanding issues. It is believed that this will expedite the prosecution of this case.

In the Office Action, the Examiner rejected claims 20-22, 25-28, 30-34, 36, 37, 39 and 42-47 under 35 USC 103. The rejections are fully traversed below.

Claims 20-22, 25-28, 30, 31, 32, 36, 42, 43, 44 and 45 have been amended. Claims 37 and 39 have been cancelled. The limitations of claim 37 have been moved to independent claim 36. Claims 48-54 have been added. Thus, claims 20-22, 25-28, 30-34, 36, and 42-54 are pending in the application. Reconsideration of the application is respectfully requested.

It should be noted that the Office Action Summary includes a drawing objection, however no objection was given in the office action. As such, this issue has not been addressed herein. It is believed that this is a typographical error.

ISSUES UNDER 35 USC 103(a)

Claims 20-22, 25-28, 30, 31, 39 and 43-45 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Dodson* (5,841,426) in view of *Ma* (5,633,658).

Claims 32-34, 36, 37 and 42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Ma* in view of *Dodson*.

Summary

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While *Dodson* may disclose a platform 18 that pivots relative to a base 12 via a ball and socket joint 22/24, *Dodson* fails to teach or suggest a platform and a base that encases the internal components of the controller 10. As shown in Figs. 1 and 2, the internal components are exposed through gaps formed between the pedestal 18 and the base 12. The pedestal 18 and base 12 are platforms that are connected via a ball and socket joint. Neither includes walls for enclosing or encasing internal components. The combination of the pedestal 18 and the base 12 simply does not form a housing, and therefore the rejections are unsupported by the art and should be withdrawn.

Furthermore, while *Dodson* may disclose a mouse, *Dodson* does not teach or suggest a hand held mouse. In *Dodson*, the mouse is a foot-operated device. And a foot-operated device is simply not configured to be manipulated by a hand. For one, the foot-operated device is much larger than a hand operated device thereby making hand manipulation difficult. For another, the platform is a flat pedestal that is not easily grasped by the hand. It appears that the platform operates like an acceleration pedal in a car. Furthermore, the motor control of the foot is much coarser the motor control of the hand and therefore a certain amount of slack is built into the foot-operated device. As stated by *Dodson*, "It should be noted that careless or involuntary horizontal motions of the foot will not inadvertently contact a button type switch (Col. 2, lines 30-32)." Any amount of slack would make maneuvering the handheld mouse difficult. Furthermore, it is not a very elegant solution and therefore would leave a negative impression on the user. For at least these reasons, it would be difficult to imagine operating the foot operated device with a hand, especially in the manner that mice are typically used, i.e., it would not be very ergonomic thereby leading to hand fatigue. It should be noted that one advantage of the present invention is that it allows all users (large, small and deformed hands) to comfortably select data or execute commands by a simple and light wrist action. See for example the Abstract.

Moreover, it should be pointed out that *Dodson* teaches away from a hand-held mouse when he states, "Computers employ for such tasks as word processing typically have both keyboards and control devices requiring manual grasping and manipulation. This arrangement leads to the frequent requirement that one hand be removed from the keypad to operate the manual control device or mouse. This style of operation is somewhat inefficient since the hand operating the mouse must be replaced on the keypad prior to resuming full operation of the keypad. The prior art addresses this problem by suggesting foot-operated controls which could

replace the mouse. The user's hands are thus freed to operate the keypad, while traditional mouse functions are performed by the foot. (Col. 1, lines 15-30)," and "The present invention provides a mouse type of control for computers which is adapted to operate by foot (Col. 2, lines 1-3)." For this reason alone, the rejection is improper and should be withdrawn.

Referring to *Ma*, the mouse 1 includes press keys 11 and a coupling device 12 that are separate and distinct components. In contrast, the mouse of the present invention combines the mouse housing and the mouse button(s) into a single integrated unit (the features of which are defined in the claims). That is, while *Ma* may disclose a mouse, *Ma* does not teach or suggest a portion of a mouse housing that acts like a button. The mouse described in *Ma* is a conventional mouse that includes depressible buttons independent of the housing of the mouse, i.e., the housing of the mouse does not serve as a button. Also, the buttons are not a housing component and are not configured to be grasped and manipulated by a hand of a user. A user would simply not hold onto the buttons to move the mouse around a surface. This function is performed by the housing not the buttons.

Claims

In contrast to both references, claim 20 (and its dependents) specifically requires, "...an integral top member formed from a single integral piece and having an external contour for receiving a user's hand for manipulation of the hand operated computer mouse, the integral top member cooperating with the base member to form a housing of the hand operated computer mouse, the base member and integral top member working together to encase internal components of the hand operated computer mouse, the base member forming the bottom wall of the housing, the integral top member forming the entire top and side walls of the housing, the integral top member moving relative to the base member to provide a user input action..." *Dodson* teaches a platform, and *Ma* teaches a conventional mouse, neither of which discloses the features described in the claim. Accordingly, the rejection is unsupported by the art and should be withdrawn.

In contrast to both references, claim 32 (and its dependents) specifically requires, "...a top member mechanically coupled with the base member to form the mouse housing and to encase said mouse electronics, the top member of the mouse housing being configured to be grasped and manipulated by a hand of a user, the top member being formed from a single

integral piece and defining the entire top surface of the mouse housing...” Neither reference teaches a mouse with a movable top member. In fact, both references teach away from such a feature (see above). Accordingly, the rejection is unsupported by the art and should be withdrawn.

In contrast to both references, claim 36 (and its dependents) specifically requires, “...a top member formed from a single piece having no separate mechanical buttons disposed thereon, the top member cooperating with the base member to form a housing of the handheld computer mouse that substantially encloses internal components of the handheld computer mouse, the top member forming the top and side surfaces of the housing and being configured for placement inside a user’s hand...” The limitations of claim 37 have been moved into claim 36. Neither reference teaches or suggests the features of the claim. Particularly, a mouse where the housing acts like a button thereby replacing the conventional buttons shown in *Ma*. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Also in contrast to both references, claim 42 (and its dependents) specifically requires, “...an integral top member formed from one piece and mechanically coupled to the base member, the integral top member cooperating with the base member to fully encase the electronics disposed therein, the integral top member forming the entire top and side surfaces of the mouse housing...” Accordingly, the rejection is unsupported by the art and should be withdrawn.

Also in contrast to both references, claim 48 (and its dependents) specifically requires, “...a movable outer shell cooperating with the base member to fully encase the electronics disposed therein, the movable outer shell being a single integrated piece that forms the entire grippable surface for manipulating the mouse with a hand, the movable outer shell pivoting relative to the base member so as to provide a button clicking action that activates the internal electronic actuator carried by the base housing member...” Accordingly, the rejection is unsupported by the art and should be withdrawn.

Although the rejections to the dependent claims 21, 22, 25-28, 30, 31, 33, 34, and 43-45 should be withdrawn for at least the reasons as above, it should be noted that they offer additional language that is unsupported by the art. For example: In contrast to both references, claim 26 specifically requires, “...a biasing spring pad for biasing the integral top member in the

first position.” In contrast to both references, claim 28 specifically requires, “...the integral top member includes a pair of pivots and wherein the base member includes a pair of snap mechanisms that mate with the pair of pivots.” No such feature is described in either reference. In contrast to both references, claim 43 specifically requires, “...the pivot and snap mechanisms are in an opposed relationship in the back of the input device, the pivot and snap mechanisms providing an axis around which the integral top member rotates during the clicking action.” In contrast to both references, claim 44 specifically requires, “...at least a back portion of the integral top member having an external contour that substantially conforms to the contour of the palm-side surface of the hand.” Accordingly, the rejections are unsupported by the art and should be withdrawn.

Claims 46 and 47 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Dodson* in view of *Ma* and further in view of *Livits* (5,661,505).

Livits does not overcome the deficiencies of *Dodson* and *Ma*. None of these references teach or suggest the limitations of claim 20 from which this claim depends.

SUMMARY

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

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